HOUSE BILL No. 1073

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-3-4.

Synopsis: Access to certain BMV records. Makes the identity of a person who contacts the bureau of motor vehicles (BMV) concerning the ability of a driver to operate a motor vehicle safely a public record. (Current law permits the bureau of motor vehicles to withhold this information.)

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Effective: July 1, 2005.

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January 6, 2005, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

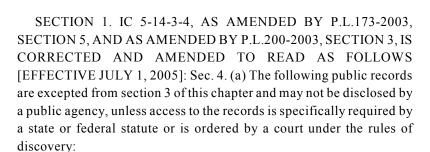
Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

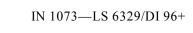
HOUSE BILL No. 1073

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:



- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
 - (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.





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1	(6) Information concerning research, including actual research
2	documents, conducted under the auspices of an institution of
3	higher education, including information:
4	(A) concerning any negotiations made with respect to the
5	research; and
6	(B) received from another party involved in the research.
7	(7) Grade transcripts and license examination scores obtained as
8	part of a licensure process.
9	(8) Those declared confidential by or under rules adopted by the
0	supreme court of Indiana.
1	(9) Patient medical records and charts created by a provider,
2	unless the patient gives written consent under IC 16-39.
3	(10) Application information declared confidential by the
4	twenty-first century research and technology fund board under
5	IC 4-4-5.1.
6	(11) A photograph, a video recording, or an audio recording of an
.7	autopsy, except as provided in IC 36-2-14-10.
.8	(b) Except as otherwise provided by subsection (a), the following
9	public records shall be excepted from section 3 of this chapter at the
20	discretion of a public agency:
21	(1) Investigatory records of law enforcement agencies. However,
22	certain law enforcement records must be made available for
23	inspection and copying as provided in section 5 of this chapter.
24	(2) The work product of an attorney representing, pursuant to
25	state employment or an appointment by a public agency:
26	(A) a public agency;
27	(B) the state; or
28	(C) an individual.
29	(3) Test questions, scoring keys, and other examination data used
0	in administering a licensing examination, examination for
31	employment, or academic examination before the examination is
32	given or if it is to be given again.
3	(4) Scores of tests if the person is identified by name and has not
34	consented to the release of the person's scores.
55	(5) The following:
66	(A) Records relating to negotiations between the department
57	of commerce, the Indiana development finance authority, the
8	film commission, the Indiana business modernization and
9	technology corporation, or economic development
10	commissions with industrial, research, or commercial
-1	prospects, if the records are created while negotiations are in



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progress.

1	(B) Notwithstanding clause (A), the terms of the final offer of
2	public financial resources communicated by the department of
3	commerce, the Indiana development finance authority, the
4	Indiana film commission, the Indiana business modernization
5	and technology corporation, or economic development
6	commissions to an industrial, a research, or a commercial
7	prospect shall be available for inspection and copying under
8	section 3 of this chapter after negotiations with that prospect
9	have terminated.
10	(C) When disclosing a final offer under clause (B), the
11	department of commerce shall certify that the information
12	being disclosed accurately and completely represents the terms
13	of the final offer.
14	(6) Records that are intra-agency or interagency advisory or
15	deliberative material, including material developed by a private
16	contractor under a contract with a public agency, that are
17	expressions of opinion or are of a speculative nature, and that are
18	communicated for the purpose of decision making.
19	(7) Diaries, journals, or other personal notes serving as the
20	functional equivalent of a diary or journal.
21	(8) Personnel files of public employees and files of applicants for
22	public employment, except for:
23	(A) the name, compensation, job title, business address,
24	business telephone number, job description, education and
25	training background, previous work experience, or dates of
26	first and last employment of present or former officers or
27	employees of the agency;
28	(B) information relating to the status of any formal charges
29	against the employee; and
30	(C) information concerning the factual basis for a disciplinary
31	actions action in which final action has been taken and that
32	resulted in the employee being disciplined suspended,
33	demoted, or discharged.
34	However, all personnel file information shall be made available
35	to the affected employee or the employee's representative. This
36	subdivision does not apply to disclosure of personnel information
37	generally on all employees or for groups of employees without the
38	request being particularized by employee name.
39	(9) Minutes or records of hospital medical staff meetings.
40	(10) Administrative or technical information that would
41	jeopardize a record keeping or security system.
42	(11) Computer programs, computer codes, computer filing
	(11) computer programs, computer codes, computer ming



1	systems, and other software that are owned by the public agency	
2	or entrusted to it and portions of electronic maps entrusted to a	
3	public agency by a utility.	
4	(12) Records specifically prepared for discussion or developed	
5	during discussion in an executive session under IC 5-14-1.5-6.1.	
6	However, this subdivision does not apply to that information	
7	required to be available for inspection and copying under	
8	subdivision (8).	
9	(13) The work product of the legislative services agency under	
.0	personnel rules approved by the legislative council.	1
1	(14) The work product of individual members and the partisan	
.2	staffs of the general assembly.	
.3	(15) The identity of a donor of a gift made to a public agency if:	
.4	(A) the donor requires nondisclosure of the donor's identity as	
.5	a condition of making the gift; or	
.6	(B) after the gift is made, the donor or a member of the donor's	1
.7	family requests nondisclosure.	
. 8	(16) Library or archival records:	
9	(A) which can be used to identify any library patron; or	
20	(B) deposited with or acquired by a library upon a condition	
21	that the records be disclosed only:	
22	(i) to qualified researchers;	
23	(ii) after the passing of a period of years that is specified in	
24	the documents under which the deposit or acquisition is	
25	made; or	
26	(iii) after the death of persons specified at the time of the	
27	acquisition or deposit.	1
28	However, nothing in this subdivision shall limit or affect contracts	
29	entered into by the Indiana state library pursuant to IC 4-1-6-8.	١
0	(17) The identity of any person who contacts the bureau of motor	
31	vehicles concerning the ability of a driver to operate a motor	
32	vehicle safely and The medical records and evaluations made by	
33	the bureau of motor vehicles staff or members of the driver	
34	licensing medical committee. advisory board regarding the	
35	ability of a driver to operate a motor vehicle safely. However,	
66	upon written request to the commissioner of the bureau of motor	
37	vehicles, the driver must be given copies of the driver's medical	
8	records and evaluations. that concern the driver.	
19	(18) School safety and security measures, plans, and systems,	
10	including emergency preparedness plans developed under 511	
1	IAC 6.1-2-2.5.	
12	(19) A record or a part of a record, the public disclosure of which	



1	would have a reasonable likelihood of threatening public safety	
2	by exposing a vulnerability to terrorist attack. A record described	
3	under this subdivision includes:	
4	(A) a record assembled, prepared, or maintained to prevent,	
5	mitigate, or respond to an act of terrorism under IC 35-47-12-1	
6	or an act of agricultural terrorism under IC 35-47-12-2;	
7	(B) vulnerability assessments;	
8	(C) risk planning documents;	
9	(D) needs assessments;	
10	(E) threat assessments;	
11	(F) domestic preparedness strategies;	
12	(G) the location of community drinking water wells and	
13	surface water intakes;	
14	(H) the emergency contact information of emergency	
15	responders and volunteers;	
16	(I) infrastructure records that disclose the configuration of	
17	critical systems such as communication, electrical, ventilation,	
18	water, and wastewater systems; and	
19	(J) detailed drawings or specifications of structural elements,	
20	floor plans, and operating, utility, or security systems, whether	
21	in paper or electronic form, of any building or facility located	
22	on an airport (as defined in IC 8-21-1-1) that is owned,	
23	occupied, leased, or maintained by a public agency. A record	
24	described in this clause may not be released for public	
25	inspection by any public agency without the prior approval of	
26	the public agency that owns, occupies, leases, or maintains the	
27	airport. The submitting public agency that owns, occupies,	
28	leases, or maintains the airport:	
29	(i) is responsible for determining whether the public	
30	disclosure of a record or a part of a record has a reasonable	
31	likelihood of threatening public safety by exposing a	
32	vulnerability to terrorist attack; and	
33	(ii) must identify a record described under item (i) and	
34	clearly mark the record as "confidential and not subject to	
35	public disclosure under IC 5-14-3-4(19)(I)	
36	IC 5-14-3-4(b)(19)(J) without approval of (insert name of	
37	submitting public agency)".	
38	This subdivision does not apply to a record or portion of a record	
39	pertaining to a location or structure owned or protected by a	
40	public agency in the event that an act of terrorism under	
41	IC 35-47-12-1 or an act of agricultural terrorism under	
42	IC 35-47-12-2 has occurred at that location or structure, unless	



release of the record or portion of the record would have a	
reasonable likelihood of threatening public safety by exposing a	
vulnerability of other locations or structures to terrorist attack.	
(20) The following personal information concerning a customer	
of a municipally owned utility (as defined in IC 8-1-2-1):	
(A) Telephone number.	
(B) Address.	
(C) Social Security number.	
(c) Nothing contained in subsection (b) shall limit or affect the right	
of a person to inspect and copy a public record required or directed to	
be made by any statute or by any rule of a public agency.	
(d) Notwithstanding any other law, a public record that is classified	
as confidential, other than a record concerning an adoption, shall be	
made available for inspection and copying seventy-five (75) years after	
the creation of that record.	_
(e) Notwithstanding subsection (d) and section 7 of this chapter:	
(1) public records subject to IC 5-15 may be destroyed only in	U
accordance with record retention schedules under IC 5-15; or	
(2) public records not subject to IC 5-15 may be destroyed in the	
ordinary course of business.	
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	reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack. (20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1): (A) Telephone number. (B) Address. (C) Social Security number. (c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency. (d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record. (e) Notwithstanding subsection (d) and section 7 of this chapter: (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or (2) public records not subject to IC 5-15 may be destroyed in the

